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Attorneys for Plaintiffs Enoch Adams, Jr., Leroy  
Adams, Andrew Koenig, Jerry Norton and Joseph Swan

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

ENOCH ADAMS, JR., LEROY ADAMS,  
ANDREW KOENIG, JERRY NORTON  
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA INCORPORATED

Defendant.

NANA REGIONAL CORPORATION and  
NORTHWEST ARCTIC BOROUGH,

Intervenors-Defendants.

Case No. A04-49 (JWS)

**NOTICE OF MOTION AND  
MOTION FOR LEAVE TO  
FILE SUPPLEMENTAL  
COMPLAINT**

F.R.C.P. Rule 15(d)

Plaintiffs Enoch Adams, Jr., Leroy Adams, Andrew Koenig, Jerry Norton, and Joseph  
Swan (collectively "Adams") move for leave to file a Supplemental Complaint in order to add  
additional violations of the Clean Water Act by the Defendant Teck Cominco Alaska  
Incorporated pursuant to Fed.R.Civ.P. 15(d). This Motion is based on the Memorandum of  
Points and Authorities filed concurrently herewith, as well as the Proposed Supplemental

1 Revised Complaint also filed herewith. A Proposed Order is lodged with this Notice.

2 Because Teck Cominco has continued to violate its Clean Water Act permits during the  
3 pendency of this lawsuit, Adams must supplement the Complaint in this suit or file a new suit  
4 and move to consolidate it. As supplementation should be liberally granted under Ninth Circuit  
5 precedent, Adams is choosing this path and respectfully requests the right to file the  
6 Supplemental Complaint on or after October 8, 2007.

7 Date: August 31, 2007

Respectfully submitted,

8 CENTER ON RACE, POVERTY  
9 & THE ENVIRONMENT

10 /s/ Luke W. Cole  
11 Luke W. Cole  
12 Nancy S. Wainwright  
Attorneys for Plaintiffs Enoch Adams et al.

13 Certificate of Service

14 This is to certify that on the 31<sup>st</sup> day of August, 2007, a true and correct copy of the foregoing  
15 MOTION FOR LEAVE TO FILE SUPPLEMENTAL COMPLAINT, POINTS AND  
AUTHORITIES IN SUPPORT OF MOTION, with PROPOSED SUPPLEMENTAL  
COMPLAINT was served, via electronic service, on the below identified parties of record:

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/s/ Luke W. Cole  
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Nancy S. Wainwright  
Attorneys for Plaintiffs Enoch Adams et al.